

Board of Adjustment



Minutes

City Council Chambers, Lower Level
December 13, 2011

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice-Chair
Tyler Stradling
Greg Hitchens
Cameron Jones
Danette Harris
Diane von Borstel

Others Present:

Lyle Richardson
Brandon McMillen
Robert Montgomery
Rick Retelle

Staff Present:

Gordon Sheffield
Mia Lozano-Helland
Lesley Davis
Angelica Guevara
Wahid Alam

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:40 p.m. Before adjournment at p.m., the following items were considered and recorded.

Study Session began at 4:30 p.m.

A. Zoning Administrator's Report:

1. Annual report of Board of Adjustment activity levels.

Mr. Sheffield provided a short presentation on the number of cases heard by the Board in 2011. The Board heard 63 cases and 9 cases were heard by the Zoning Administrator Hearing Officer in 2011.

2. Board of Adjustment by-laws and rules of procedure.

Mr. Sheffield asked the Board to review the by-laws and rules of procedure for comments or revisions to be discussed at a future meeting.

B. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:40 p.m.

A. Consider Minutes from the November 8, 2011 Meeting A motion was made to approve the minutes by Board member Jones and seconded by Boardmember Labadie. Vote: Passed 7-0 von

B. Consent Agenda #1 a motion to approve the consent agenda as read was made by Board member Jones and seconded by Board member von Borstel. Vote: Passed 6-0 (Hitchens – abstained)

Consent Agenda #2 a motion to approve the consent agenda as read was made by Board member Harris and seconded by Board member Jones. Vote: Passed 7-0

**Board of Adjustment Meeting
December 13, 2011**

Case No.: BA11-047

Location: 3750 East Main Street

Subject: Requesting: a Development Incentive Permit to allow the development of recreational facilities; and 2) a Variance to allow a fence to exceed the maximum height allowed; all in the LC zoning district. (PLN2011-00266)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris, seconded by Board member Jones to approve case BA11-047 with the following conditions:

1. *Compliance with the revised plans dated November 18, 2011 and submitted on November 28, 2011, except as modified by the conditions below.*
2. *The proposed 12' tall fence along north property line adjacent to houses shall be 6' high CMU decorative wall on the ground with 6' green fence on top. The wall and green fence shall match in color and detail with fences along the Main Street adjacent to Pickle ball courts.*
3. *Lighting and illumination shall be installed per current Zoning Code, Section 11-30-5 and Title 4, Chapter 4 of the Mesa City Code.*
4. *All landscape material, foundation base (brick paving) around the Pro-Shop area including off- site improvements along Main Street and 38th Street shall be completed before operation of the facility.*
5. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 The applicant was approved for a Development Incentive Permit (DIP) from the Board of Adjustment for modifications to front landscape setbacks along arterial streets and height of screen walls within required landscape setbacks.
- 1.2 The site is located on the northwest corner of Main Street and 38th Street. An abandoned apartment building is located at the site. The Val Vista RV Resort is replacing the building with a tennis and pickle ball courts, Pro-Shop/restrooms, bleachers and a parking facility.
- 1.3 The recreational facility is for the use of the Val Vista RV Resort residents (approximately 1000) only. The facility is connected directly to the Resort to the north by 8' wide gate for pedestrians and golf cart. Resort members can also access the facility by a driveway on 38th Street.
- 1.4 The project includes four tennis courts (60'x120' size), four pickle ball courts (34'x64' size), club house with pro-shop and restroom (480 square feet), two bleachers (12'x20'), four parking spaces, nine golf cart spaces and bike racks.

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- 1.5** The current right off way along Main Street is 93.87 feet along the west property line from the center of the street and 30 feet right off way along 38th Street. The current code requires 15 feet setback along Main and 20 feet along 38th Street. The setbacks provided are between 10.3' and 13.5' along 38th Street. The setbacks along Main Street varies, at the intersection with 38th Street 8' at the parking lot, 25' adjacent to Pro-shop, but adjacent to pickle ball courts there is an encroachment of average of 6.32' into the current right off way. The future right off way along Main Street is established at 75' from the center of the street, however at this location the current right off way is 93.87', which is (93'-75') 18' more than required. The City of Mesa Engineering department agreed to accept the encroachment as shown on the site plan
- 1.6** The project includes various types of screening and fences for the safety and security of the facility. The parking lot is screened with a view fence 6'-8" tall and secured with a rolling gate. Along Main Street adjacent to the Pro-shop/restroom area the screen wall is a decorative 6' tall CMU. Along Main Street adjacent to pickle ball courts the proposed screen wall is 6' high CMU with 4' wide green fence on top making the total height of the fence at 10'.
- 1.7** The recreational facility is an appropriate land use to replace this vacant apartment building and being adjacent to the existing Resort makes the site a suitable recreational facility for the residents. This is a great opportunity for the Resort residents to walk or bike to this facility. The landscape material along with the view fence will increase the curb appeal along Main Street. Since the adjacent land uses to the east and west of this facility are commercial and the homes to the north are residents of the Resort, the facility will not impact the neighbors adversely
- 1.8** The applicant worked with staff in developing several layouts so that the facility could comply with current Code requirements without losing the function of the facility. If the site were brought into complete conformance with current code the recreational facility would not work for the RV Resort.
- 1.9** Given the design of the site plan, the provision of landscape throughout the site, and other improvements, staff is supportive of the modifications to the zoning standards. The improvements reflect the greatest possible degree of compliance with the zoning code. Due to the overall design associated with this project the deviations are supported by staff.
- 1.10** The development is consistent with the General Plan. They City of Mesa Engineering agreed to the ROW encroachment. Further, the applicant has provided a degree of compliance with Code that is commensurate with or exceeds surrounding existing development. The deviations are necessary to accommodate the development to ensure that the site remains secure.

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Case No.: BA11-048

Location: 26 North Matlock Street and 33 North Miller Street

Subject: Requesting a Substantial Conformance Improvement Permit to allow the conversion of an existing single family home into a commercial kitchen in the LC zoning district. (PLN2011-00195)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Jones seconded by Board member von Borstel to approve case BA11-048 with the following conditions:

- 1. Compliance with the site and landscape plans submitted except as modified by the conditions below.*
- 2. Revise the landscape plan to provide a shade tree in the easternmost landscape island on the south side of the property.*
- 3. Compliance with all requirements of the Development and Sustainability Department with regard to the Issuance of building permits.*

Vote: Passed 6-0-1 (Hitchens abstained)

Findings:

- 1.1** The approved Substantial Conformance Improvement Permit (SCIP) allows the conversion of a residence into a commercial kitchen to provide catering services. The property is zoned LC, which allows for such use
- 1.2** The applicant was approved for deviations from current Code requirements related to building and landscape setbacks, landscaping requirements, foundation base, and parking lot landscape requirements.
- 1.3** Staff recommended additional improvements to the landscape plan intended to provide increased compliance with current Code requirements.
- 1.4** The site plan, including the recommended conditions of approval, provides substantial conformance with current development standards and demonstrates site improvements that will benefit the property owner and surrounding neighborhood. The degree of improvements with staff's recommended conditions of approval are roughly proportional to the degree of change with the addition to the building

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Case No.: BA11-054

Location: 3709 East Adobe

Subject: Requesting a Variance to allow an addition to encroach into the required side yard in the RS-9 zoning district. (PLN2011-00316)

Decision: Continued to the March 13, 2012 meeting

Summary: Mitch Foy presented the case and summarized the details. He provided a possible solution to the encroachment and the minimum 5-foot Fire Code separation by suggesting that an easement and agreement with the adjacent neighbor be developed.

Angelica Guevara provided the staff report and recommendation.

Board member Labadie asked what the next step would be in reaching an agreement with Building Safety.

Board McCray suggested either denying the case as presented or continuing the case to allow the applicant to work with staff on code modifications.

Mr. Sheffield provided additional remarks and comments related to the subject property zoned RS-9 and the surrounding properties zoned RS-7.

Board member Jones stated he could support a 2-foot variance, but that was in agreement with the Fire Code requirements to avoid creating a fire hazard.

Board member Stradling commented on the possibility of a new owner moving into the adjacent property with no knowledge of the previous actions taken.

Board member Hitchens supported a 2-foot encroachment and reminded the property owner that solution with a 2-foot encroachment has been offered.

The property owner Dianna Kieffer commented on the structure and stated that if the case was continued, she would need to continue to March 2012 to avoid conflicts with her schedule.

Motion: It was moved by Board member Labadie, seconded by Board member Jones to continue case BA11-054 to the March 13, 2012 meeting.

Vote: Passed 7-0

**Board of Adjustment Meeting
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Case No.: BA11-055

Location: 15 East 1st Avenue

Subject: Requesting a Special Use Permit to allow a Comprehensive Sign Plan in the DR-2 zoning district. (PLN2011-00327)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris, seconded by Board member Jones to approve case BA11-055 with the following conditions:

- 1. Compliance with the sign plan as submitted, except as modified by the conditions listed below.*
- 2. Compliance with ZA99-090TC, ZA01-059TC and Z11-017 except as modified by this request.*
- 3. Placement of the signs must be in compliance with all City of Mesa standards.*
- 4. The LED message shall remain static for a minimum of 15 seconds, and may transition to another message in compliance with the requirements of Section 11-41-8.D.17.a.*
- 5. The monument sign shall not be taller than 5'-10" high and the message area no more than 23.05 sq. ft. (6.36 square feet for static message panel and 16.69 square feet for LED message board).*
- 6. Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1** The applicant was approved for a Special Use Permit for a modification to an existing comprehensive sign plan.
- 1.2** Unique conditions were present regarding the sign plan requested as part of re-modeling the sign.
- 1.3** The Downtown Mesa Association approved the double faced, internally lighted sign.
- 1.4** The sign is well proportioned and designed to be compatible to the existing church building.
- 1.5** The Comprehensive Sign Plan in conjunction with the recommended conditions ensures that signs will be compatible with, and not detrimental to, surrounding properties.

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Case No.: BA11-056

Location: 1400 South Dobson Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the NC DMP zoning district. (PLN2011-00326)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris, seconded by Board member Jones to approve case BA11-056 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.*
3. *Final architectural design of the monument sign shall comply with direction provided by the Design Review Board.*
4. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1 The approved modification to the Comprehensive Sign Plan (CSP) allows one 12-foot tall, 179 s.f. freestanding sign at the intersection of Southern Ave. and Dobson Rd. The last modification to the CSP approved last month allowed an additional attached sign on the parking garage adjacent to the freeway. The previously approved Comprehensive Sign Plan allowed four freestanding signs on Dobson Rd. and two freestanding signs on Southern Ave. and none were requested at the corner.
- 1.2 The Banner Desert and Cardon Children's Medical Centers are located on a 68.6± acre campus with over 3,600 lineal feet of frontage on Southern Ave. and Dobson Rd. The approved 12-foot tall sign is at the same height of the existing freestanding signs on Southern Ave. and Dobson Rd. Staff is supportive of the sign area of 179 s.f. This height was approved at 179 s.f. after determining the additional area was necessary for readability from the street. The massive 7-story tower serves as the background for the sign. As shown on the photo-simulation provided by the applicant, the sign appears proportionate to the area.
- 1.3 The modification is consistent with the intent of the approved Comprehensive Sign Plan.

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Case No.: BA11-057

Location: 1061 North Dobson Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the LC-BIZ-PAD zoning district. (PLN2011-324)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Stradling seconded by Board member Jones to approve case BA11-057 with the following conditions:

1. *Compliance with the sign plan submitted except as modified by the conditions below.*
2. *Compliance with previously approved Comprehensive Sign Plans except as modified by this request*
3. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1 The modification to the Comprehensive Sign Plan (CSP) allows one attached building sign with an aggregate sign area of 225.2 square feet for Cactus Moon. Modifications have previously been made to the CSP to accommodate additional sign area for the Major Tenants such as Bed, Bath, and Beyond on the south side of Bass Pro Drive. The previously approved Comprehensive Sign Plan limited signs on the exterior of the Entertainment District to 160 square-feet. The Comprehensive Sign Plan for the interior spaces of the Entertainment District does not have any restrictions on size since they are only visible inside that space. Cactus Moon will install a single 225.2 square foot sign to be located along the south side of their building, which faces Bass Pro Drive.
- 1.2 The restaurant is in the Entertainment District, which is at the north end of the center and only has visibility from Bass Pro Drive, which is not a public street. The location of Cactus Moon Sports Grill within the Entertainment District is even more removed than it is for other tenants because of the angle of the building. Visibility of the sign would be difficult to see from beyond the boundaries of the center.
- 1.3 The approved modification is consistent with the intent of the approved Comprehensive Sign Plan.

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Case No.: BA11-058

Location: 1025 North Dobson

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the LC-BIZ-PAD zoning district. (PLN2011-00349)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris seconded by Board member Jones to approve case BA11-058 with the following conditions:

1. *Compliance with the sign plan submitted except as modified below.*
2. *Compliance with Design Review approval of DRB11-28, except as modified by this request.*
3. *Compliance with previously approved Comprehensive Sign Plans except as modified by this request.*
4. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1 The applicant was approved for a Special Use Permit to modify an existing comprehensive sign plan. As part of the approval sign areas including awnings are in excess of the Sign Ordinance maximum were approved.
- 1.2 The applicant was approved for deviations from the current Code requirements related to building and landscape setbacks, landscaping requirements, foundation base, and parking lot landscape requirements.
- 1.3 Unique conditions were present regarding the sign plan and rebranding.
- 1.4 A Comprehensive Sign Plan was approved for Mesa Riverview as Board of Adjustment case BA11-040. That sign plan approved 23 detached signs plus an additional 15 interior directional signs including 5 entry identification signs for Mesa Riverview at all major entrances to the development including one attached entry identification sign on the gazebo at the corner of 8th Street and Dobson. The new sign does not increase the number of signs for this particular pad building (Chili's) however the awnings have water mark graphics of the restaurant logos and stars, which need interpretation as to whether they are signs or architectural enhancements. The proposal is scheduled to be heard on December 7, 2011 by the Design Review Board. If those water marks on awnings are determined not to be signs, then the new signs for this re-branding are within the approved allowance for the Comprehensive Sign Plan
- 1.6 The proposed modification to the Comprehensive Sign Plan in conjunction with the recommended conditions ensures that signs will be compatible with, and not detrimental to, surrounding properties.

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Case No.: BA11-059

Location: 1637 South Stapley Drive

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the LI-CUP zoning district. (PLN2011-00346)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris seconded by Board member Jones to approve case BA11-059 with the following conditions:

- 1. Compliance with the sign plan as submitted, except as modified by the conditions listed below.*
- 2. Compliance with the Design Review approval of DRB11-31, except as modified by this request.*
- 3. Compliance with previously approved Comprehensive Sign Plans except as modified by this request.*
- 4. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1** The applicant was approved for a Special Use Permit to modify an existing comprehensive sign plan. As part of the approval, sign areas in excess of the Sign Ordinance maximum were approved.
- 1.2** Unique conditions were present regarding the sign plan presented.
- 1.3** A Comprehensive Sign Plan was approved for Mesa Grand shopping and entertainment center. The new sign does not increase the number of signs for this particular pad building (Chili's) however the awnings have water mark graphics of the restaurant logos and stars, which need interpretation as to whether they are signs or architectural enhancements. The proposal is scheduled to be heard on December 7, 2011 by the Design Review Board. If those water marks on awnings and exposed color line LED are determined not to be signs, then the new signs for this re-branding are within the approved allowance for the Comprehensive Sign Plan.
- 1.4** The modification to the Comprehensive Sign Plan in conjunction with the recommended conditions ensures that signs will be compatible with, and not detrimental to, surrounding properties.

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Case No.: BA11-060

Location: 1435 South Power Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the LC-PAD zoning district. (PLN2011-00347)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris seconded by Board member Jones to approve case BA11-060 with the following conditions:

1. *Compliance with the sign plan as submitted, except as modified by the conditions listed below.*
2. *Compliance with the Design Review approval of DRB11-030 except as modified by this request.*
3. *Compliance with previously approved Comprehensive Sign Plans except as modified by this request.*
5. *Compliance with all requirements of the Development and Sustainability Department with regards to the issuance of sign permits.*

Vote: Passed 7-0

Finding:

- 1.1 The applicant was approved for a Special Use Permit to a modify an existing comprehensive sign plan BOA BA08-014. As part of the request, sign areas in excess of the Sign Ordinance maximum were approved.
- 1.2 Unique conditions were present regarding the approved sign plan.
- 1.3 The approved modification to the Comprehensive Sign Plan in conjunction with the recommended conditions ensures that signs will be compatible with, and not detrimental to, surrounding properties.

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Case No.: BA11-061

Location: 1951 South Signal Butte Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the LC-PAD zoning district. (PLN2011-00334)

Decision: Case withdrawn

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris seconded by Board member Jones to withdraw case BA11-061 with the following conditions:

Vote: Passed 7-0

**Board of Adjustment Meeting
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Case No.: BA11-062

Location: 1720 South Mesa Drive

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the LI-PAD zoning district. (PLN2011-00334)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris seconded by Board member Jones to approve case BA11-062 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.*
3. *Compliance with all requirements of the Development and Sustainability Department with the issuance of sign permits.*

Vote: Passed 7-0

Finding:

- 1.1 The change to the comprehensive sign plan affects attached signage only.
- 1.2 The aggregate attached sign area and the total number of attached signs exceeds the maximum permitted by 96 s.f. and 3 signs.
- 1.3 The comprehensive sign plan for the Berge Ford dealership permits seven attached signs with a total area of 542 s.f.
- 1.4 Auto Center Drive, west of Mesa Drive, is a private drive that limits public access to the south side of the site.
- 1.5 The north side of the building is visible from the freeway. The distance of the building from the freeway is about 600', which provides some justification for the larger sign area on the north elevation which the applicant has chosen to reduce.
- 1.6 There are distinct and diverse uses within a car dealership that provided some justification for the additional number of attached signs.
- 1.7 Typical retail projects of a similar size (approx. 7 acres) would have several suites, each with separate attached signs adding up to more than the area of the signs approved.

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Case No.: BA11-063

Location: 1648 East Main Street

Subject: Requesting a Development Incentive Permit to allow the redevelopment of a vehicle sales lot in the GC zoning district. (PLN2011-00335)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Board member Harris seconded by Board member Jones to approve case BA11-063 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Provide a 15-foot setback along Main Street allowing for Vehicle Displays at 8-feet in accordance with Section 11-31-5(B) of the City of Mesa Zoning Ordinance.*
3. *Provide foundation base plant material around the building in accordance with Section 11-33-5(B)3b of the City of Mesa Zoning Ordinance.*
4. *Adjust the location of the trash enclosure so that it does not encroach into the required 20-foot setback along the north property line.*
5. *Compliance with all requirements of the Design Review Board.*
6. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits, including retention and location of the solid waste enclosure.*

Vote: Passed 7-0

Finding:

- 1.1** The applicant was approved for a Development Incentive Permit (DIP) to allow the development of an automotive dealership. The applicant will redevelop the existing automotive dealership by replacing the building and upgrading the landscaping on the site. The applicant will complete several improvements to the site that largely comply with current Code requirements, with exceptions to deviate from the required building and landscape setbacks along the north end of the west property line adjacent to the existing RM-4 development, a reduction to the required 10% of landscaping required on the interior of the site, and a reduction to the required 15-foot building and landscape setback along Main Street.
- 1.2** A reduction was approved for the required 20-foot setback adjacent to the RM-4 development along the north side of the west property line. The front portion of that property line is adjacent to a property zoned for General Commercial (GC), which requires a 15-foot setback. On the other side of the wall on the RM-4 property is an existing mobile home park, however the lots adjacent to this property line appear to be RV's. To justify the a 15-foot setback, the applicant cited an existing 6-foot easement, which would provide a 21-foot separation from the RV lots to the parking canopy and building for the Auto Dealership.

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- 1.3** The newly adopted Zoning Ordinance identifies some special allowances for the development of Automobile/Vehicle Sales Lots. One of those requirements is that in addition to perimeter and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area. The applicant has requested a deviation to that requirement to provide a total of 2,150 square feet of landscape area, which is 7 percent less than the landscaping required by the Zoning Ordinance. The applicant cited this deviation to allow additional vehicle display area. They also provided parking lot landscape islands at both ends of the two long rows of parking at the center of the site.
- 1.4** An additional requirement in the newly adopted Ordinance for this specific use is an allowance for a maximum of 30 percent of the street side landscape area to be used for vehicle display with a minimum 12-foot wide planter strip to separate vehicle display areas from sidewalks along the streets. Vehicle display encroachments wider than 30-feet shall be separated by a minimum distance of 30-feet between similar vehicle displays that encroaches into the street side landscape area. The minimum setback along Main Street is 15-feet. Based on the size of the site, there is sufficient area for vehicle display. A 15' setback is also consistent with the setbacks for adjacent properties to the east and visibility of the vehicle display will not be impeded by buildings, walls or parking on those adjacent lots. A recommended condition was provided to require the 15' setback adjacent to Main Street, and allow vehicle displays to encroach to 8-feet.
- 1.5** The landscape plan did not identify foundation base plant material along the south side of the building in accordance with Section 11-33-5(B)3b of the Zoning Ordinance. The addition of this landscaping will slightly increase the overall percentage of landscaping provided on the interior of the site per Section 11-31-5(A) of the Ordinance. A recommended condition was included with this application to insure that the requirement is carried forward.
- 1.6** The site plan indicated that the trash enclosure is encroaching slightly in to the required 20-foot setback adjacent to the Mobile Home Park to the north. This encroachment was not included in the approval and will need to be modified to comply with the minimum setback requirement.
- 1.7** In addition to the qualifying criteria for the DIP, the approved development for the site is consistent with the General Plan and is a permitted use as specified in the zoning ordinance. Further, the applicant provided a degree of compliance with Code that is commensurate with or exceeds surrounding existing development. The deviations are necessary to accommodate the development to insure that the site remains secure. Further, this development requires review by the Design Review Board, which will confirm that the development meets the intent of the provisions of the Design Guidelines.

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C. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2011/December2011